REMARKS

Claims 1-12 are currently pending and under consideration. Reconsideration is respectfully requested.

Claims 1, 5 and 9 are amended. Claims 1-12 are pending.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejection under 35 U.S.C. § 102

In the Office Action, at page 2, claims 1, 2, 4-6, 8-10 and 12 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Yamamoto (USP 7,020,058). This rejection is respectfully traversed because Yamamoto does not discuss or suggest:

> an interpolation ATIP sync signal detector which receives a wobble signal from the wobble signal generator of the optical disc drive and detects an interpolation ATIP sync signal from the wobble signal, the interpolation ATIP sync signal being an ATIP sync signal which is artificially interpolated by the wobble signal generator when the wobble signal generator does not normally generate an ATIP sync signal;...and
>
> a writing speed adjuster which receives the writing speed transformation control signal from the number determiner and adjusts a writing speed of the optical disc drive to a speed of the optical disc on which writing is to be performed,

as recited in amended independent claim 1.

Further, Yamamato does not discuss or suggest:

> receiving a wobble signal from a wobble signal generator of an

> optical disc drive and detecting an interpolation ATIP sync signal from the wobble signal, the interpolation ATIP sync signal being an ATIP sync signal which is artificially interpolated by the wobble signal generator when the wobble signal generator does not normally generate an ATIP sync signal;...and
>
> adjusting a writing speed of the optical disc drive according to the writing speed transformation control signal, to a speed of the optical disc on which writing is to be performed,

as recited in amended independent claims 5 and 9.

As a non-limiting example, the present invention of claim 1, for example, is directed to an apparatus for preventing a writing error from occurring on an optical disc in an optical disc drive having a wobble signal generator. The apparatus includes an interpolation ATIP sync signal detector, a number determiner, and a writing speed adjuster. The interpolation ATIP sync signal detector receives a wobble signal from the wobble signal generator of the optical disc drive and detects an interpolation ATIP sync signal from the wobble signal. The interpolation ATIP sync signal is an ATIP sync signal which is artificially interpolated by the wobble signal generator when the wobble signal generator does not normally generate an ATIP sync signal. The number determiner determines a number of interpolation ATIP sync signals and generates a writing speed transformation control signal based on the number of interpolation ATIP sync signals determined. The writing speed adjuster receives the writing speed transformation control signal from the number determiner and adjusts a writing speed of the optical disc drive to a speed of the optical disc on which writing is to be performed.

Yamamoto discusses an optical disc drive including an ATIP decoder 7 which extracts ATIP information engraved in an optical disc 1. A synchronizing signal generated by the ATIP decoder 7 is supplied to a CD encoder 8 to enable the data to be written from an accurate start position. In Yamamato, the ATIP synchronizing signals are included in a wobble signal, where the ATIP synchronizing signals represent absolute time information. A recording velocity calculating means calculates the recording velocity from a number of the ATIP synchronizing signals counted within a predetermined time.

First, Yamamoto does not discuss or suggest that the interpolation ATIP sync signal is an ATIP sync signal which is artificially interpolated by a wobble signal generator. Yamamoto discusses that a synchronizing signal is generated from an ATIP decoder 7 and discusses that an ATIP synchronizing signal represents absolute time information. Yamamoto does not discuss or suggest an interpolation ATIP sync signal, where the interpolation ATIP sync signal is an ATIP sync signal which is artificially interpolated by a wobble signal generator. The Examiner alleges that Fig. 1, element 7 of Yamamoto shows that it is quite clear that Yamamoto teaches

decoding an ATIP signal from a wobble signal. The Applicants respectfully submit that while Yamamoto does discuss that the ATIP decoder 7 extracts ATIP information from a wobble signal and generates a synchronizing signal, Yamamoto does not discuss or suggest that the extracted ATIP information is an ATIP sync signal that is artificially interpolated by a wobble signal generator. The Examiner does not cite a portion of Yamamoto that discusses that the synchronizing signal that is generated is artificially interpolated by a wobble signal generator.

Further, Yamamoto does not discuss or suggest that the interpolation ATIP sync signal is an ATIP sync signal that is artificially interpolated by a wobble signal generator when the wobble signal generator does not **normally generate** an ATIP sync signal. Thus, the present invention of claim 1, for example, distinguishes between an ATIP sync signal and an interpolation ATIP sync signal, specifically as to the interpolation ATIP sync signal being a type of ATIP sync signal that is only artificially interpolated when a wobble signal generator does not normally generate an ATIP sync signal. The present invention of claim 1, for example, clarifies that the interpolation ATIP sync signal is an ATIP sync signal that is artificially interpolated by a wobble signal generator when the wobble signal generator does not normally generate an ATIP sync signal, which occurs due to characteristics of the optical disc, variations in the characteristics of an optical pickup, external factors, etc.

Additionally, Yamamoto does not discuss or suggest that a writing speed adjuster receives a writing speed transformation control signal from a number determiner and adjusts a writing speed of an optical disc drive to a speed of the optical disc on which writing is to be performed. The Examiner cites col. 3, lines 34-43 and elements S2 and S3 in alleging that Yamamoto discusses adjusting a writing speed of an optical disc drive to a speed of the optical disc on which writing is to be performed. The Applicants respectfully disagree with the Examiner's assertion.

At col. 3, lines 34-43, Yamamoto discusses a recording velocity calculating means for calculating the recording velocity from a number of the ATIP synchronizing signals counted within a predetermined time. Yamamoto discusses, at elements S2 and S3, calculating a maximum recording velocity within which a light beam can be controlled correctly and calculating a recording velocity with which data can be recorded with a write power not exceeding a maximum write power of the light beam. However, Yamamoto does not discuss or suggest that a writing speed transformation control signal is generated based off a number of interpolation ATIP sync signals and does not discuss or suggest that a writing speed is adjusted to a speed of the optical disc on which writing is to be performed, after receiving the writing speed

transformation control signal. Merely calculating a recording velocity with which data can be recorded with a write power not exceeding a maximum write power of a light beam is not adjusting a speed of an optical disc on which writing is to be performed and is not adjusting the speed after having received a writing speed transformation control signal.

Therefore, as Yamamoto does not discuss or suggest "an interpolation ATIP sync signal detector which receives a wobble signal from the wobble signal generator of the optical disc drive and detects an interpolation ATIP sync signal from the wobble signal, the interpolation ATIP sync signal being an ATIP sync signal which is artificially interpolated by the wobble signal generator when the wobble signal generator does not normally generate an ATIP sync signal;...and a writing speed adjuster which receives the writing speed transformation control signal from the number determiner and adjusts a writing speed of the optical disc drive to a speed of the optical disc on which writing is to be performed," as recited in amended independent claim 1, and Yamamato does not discuss or suggest "receiving a wobble signal from a wobble signal generator of an optical disc drive and detecting an interpolation ATIP sync signal from the wobble signal, the interpolation ATIP sync signal being an ATIP sync signal which is artificially interpolated by the wobble signal generator when the wobble signal generator does not normally generate an ATIP sync signal;...and adjusting a writing speed of the optical disc drive according to the writing speed transformation control signal, to a speed of the optical disc on which writing is to be performed," as recited in amended independent claims 5 and 9, claims 1, 5 and 9 patentably distinguish over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claims 2, 4, 6, 8, 10 and 12 depend either directly or indirectly from independent claims 1, 5 and 9 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 2 recites that "the number determiner determines whether a predetermined number of interpolation ATIP sync signals are consecutively detected within a predetermined period of time." Yamamoto does not discuss or suggest that a number determiner determines whether a predetermined number of interpolation ATIP sync signals are consecutively detected within a predetermined period of time. Therefore, claims 2, 4, 6, 8, 10 and 12 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

II. Rejection under 35 U.S.C. §103(a)

In the Office Action, at page 3, claims 3, 7 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto in view of Harada (U.S. Patent No. 6,856,583). This rejection is respectfully traversed.

As discussed above, Yamamoto does not discuss or suggest all the features of amended independent claims 1, 5 and 9. Harada fails to make up for the deficiencies in Yamamoto. Therefore, claims 1, 5 and 9 patentably distinguish over the references relied upon. Claims 3, 7 and 11 depend either directly or indirectly from independent claims 1, 5 and 9 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 3 recites that "upon determining that the predetermined number of interpolation ATIP sync signals are consecutively detected within the predetermined period of time, the writing speed adjuster applies a writing stop control signal to an optical disc drive controller so that the optical disc drive enters a pause mode, adjusts the writing speed to a speed of the optical disc, and applies a writing speed adjustment control signal to the optical disc drive to adjust the writing speed." Therefore, claims 3, 7 and 11 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claims 1, 5 and 9 have been amended. Claims 1-12 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: _____

Kari P. Footland
Registration No. 55,187

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501